

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MELVIN *et al.*

*Plaintiffs,*

v.

HONORABLE JAMES F. KENNEY, *et al.*

*Defendants.*

Civil Action No. 2:20-cv-3529

**SUPPLEMENT PLAINTIFFS' MOTION TO SET ASIDE ORDER OF NOVEMBER 25, 2020 AND FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTIONS TO DISMISS UNTIL AND INCLUDING DECEMBER 9, 2020**

Plaintiffs and their counsel hereby supplement their motion presented to this honorable court on November 27, 2020, to set aside the order issued on November 25, 2020 on the grounds that oppositions to Defendants motions to dismiss were not timely filed. *See* Fed. R. Civ. P. 41(a)(2).

The undersigned contacted Brian Matthew Rhodes, Esquire, counsel for defendants Kenney, Krasner, Outlaw and Ross, via telephonic message and email on this date to discuss the within motion and to determine said defendants' position regarding opposition to the motion. Defendants' counsel responded to the email inquiry such that he would be in a hearing until 3:00pm, afterwhich we would be able to confer. A further supplement will be filed at such time as such conference takes place later today.

WHEREFORE in the interests of justice Plaintiffs and their counsel respectfully renew their request that the order be vacated and that they be according 14 days or until and including December 9, 2020 to respond to the motion to dismiss, in order that this cause can be ruled upon

on the merits.

Dated: December 1, 2020

Respectfully submitted,

/s/ Andrew Teitelman

**ANDREW TEITELMAN**

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*Of Counsel*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of December, 2020, a true copy of the foregoing was filed via ECF and served to all counsel of record through the Court's ECF system.

/s/ Andrew Teitelman